



Attorney's Docket No. 701826-052470

PATENT

FEB 20 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT:	Levesque et al.	EXAMINER:	C.A. AZPURU
SERIAL NO.:	10/080,499	ART UNIT:	1615
FILED:	February 22, 2002		
FOR:	DRUG ELUTING DEVICE FOR TREATING VASCULAR DISEASES		

**CERTIFICATE OF MAILING (37 C.F.R. SECTION 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

2/9/04  
Date

Nicole M. Gignac  
(type or print name of person mailing paper)

Nicole M. Gignac  
Signature of person mailing paper

**Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

Sir/Madam:

**INFORMATION DISCLOSURE STATEMENT**

In accordance with the provisions of 37 C.F.R. §1.56, 1.97, and 1.98, Applicants wish to bring to the Examiner's attention the following references, References AA - AM, BA - BI, and CA - CM, cited in the attached Form PTO-1449.

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APPLICANT:  
SERIAL NO.:  
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FOR:

Levesque et al.  
10/080,499  
February 22, 2002  
DRUG ELUTING DEVICE FOR TREATING VASCULAR DISEASES

EXAMINER: C.A. AZPURU  
ART UNIT: 1615

### REMARKS

In accordance with the provisions of 37 C.F.R. §1.97, this statement is being filed:

- \_\_\_ (1) within three (3) months of the Filing Date or **before the mailing date of the First Office Action** on the merits; or
- \_\_\_ (2) within three months of the mailing date of the PCT International Search Report; or
- X (3) after the period defined in (1) but before the mailing date of a **Final Rejection** or **Notice of Allowance**, and the requisite Certification or fee under Rule 1.17(p), namely **\$180.00**, is included herein; or
- \_\_\_ (4) after the mailing date of a **Final Rejection** or **Notice of Allowance** but before the payment of the **Issue Fee**, and the requisite Certification, petition, and petition fee are included herein.

\_\_\_ A copy of the International Search Report is enclosed herewith.

It is respectfully requested that each of the documents shown on the attached form(s) PTO-1449 be made of record in this application.

Copies of these documents (CHECK ONE):

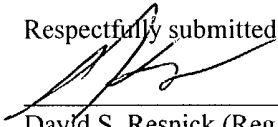
- \_\_\_ are enclosed herewith; or
- \_\_\_ have been cited in the parent application, and are thus not being resubmitted herein.

### **FEE AUTHORIZATION**

The Commissioner is authorized to charge fee deficiencies or credit overpayments associated with this submission to the NIXON PEABODY LLP Deposit Account No. 50-0850.

Date: 2/9/04

Respectfully submitted,

  
David S. Resnick (Reg. No. 34,235)  
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Boston, MA 02110  
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Substitute for form 1449PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **3****Complete if Known**

Application Number	10/080,499
Filing Date	February 22, 2002
First Named Inventor	Levesque et al.
Art Unit	1615
Examiner Name	C.A. AZPURU
Attorney Docket Number	701826/52470

FEB 20 2004

**U.S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Number – Kind Code <sup>2</sup> (if known)			
	AA	US-6,348,312	02-19-2002	Peyman et al.	
	AB	US-6,071,305	06-06-2000	Brown, et al.	
	AC	US-6,066,720	05-23-2000	Seela eta l.	
	AD	US-6,028,182	02-22-2000	Uhlmann et al.	
	AE	US-5,429,634	07-04-1995	Narciso, Jr.	
	AF	US-5,500,013	03-19-1996	Buscemi, et al.	
	AG	US-5,443,458	08-22-1995	Eury	
	AH	US-5,342,348	08-30-1994	Kaplan	
	AI	US-5,649,977	07-22-1997	Campbell	
	AJ	US-5,700,286	12-23-1997	Tartaglia, et al.	
	AK	US-5,972,027	10-26-1999	Johnson	
	AL	US-5,234,456	08-10-1993	Silvestrini	
	AM	US-4,888,278	12-19-1989	Singer, Robert H. et al.	
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**FOREIGN PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant Of Cited Document	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>2</sup>
		Country Code3 –	Number4 –	Kind Code5 (if known)				
	BA	EP	490,434	A	06-17-1992	AKZO NV		
	BB	WO	95/19167	A	07-20-1995	Mallinckrodt Medical Inc.		
	BC	WO	93/09813	A	05-27-1993	Imp. Cancer Res. Tech.		
	BD	WO	97/14440	A	04-24-1997	Johnson & Johnson		
	BH	EP	599,077	A	06-01-1994	Yeda Res. & Dev.		
	BI	WO	94/00472	A	01-06-1994	Res. Corp. Technologies Inc.		

Examiner  
SignatureDate  
Considered

\*EXAMINER if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

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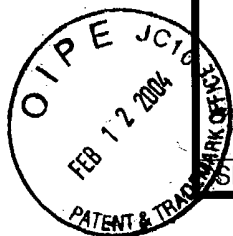
**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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Sheet **2** of **70** **3****Complete if Known**

Application Number	10/080,499
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Attorney Docket Number	701826/52470

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**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>2</sup>
	CA	Lauren E. BLACK et al., "Regulatory Considerations for Oligonucleotide Drugs: Updated Recommendations for Pharmacology and Toxicology Studies", <i>Antisense Research and Development</i> , <b>4:299-301</b> , (1994);	
	CB	Jean Paul R. HERMAN et al., "Pharmacological Approaches to the Prevention of Restenosis Following Angioplasty The Search for the Holy Grail? (Part 1) ", <i>Drugs</i> , <b>46(1):18-52</b> , (1993);	
	CC	Ran KORNOWSKI et al., "In-Stent Restenosis: Contributions of Inflammatory Responses and Arterial Injury to Neointimal Hyperplasia", <i>Experimental Studies</i> , <b>31(1):224-30</b> , (1998);	
	CD	Robert S. SCHWARTZ et al., "Recommended Standards for PreClinical Studies And Evaluation of Drug Eluting Stents A Consensus Report", <b>Version 1.00</b>	
	CE	WEITIAN TAN et al., <i>Tetrahedron Letters</i> , <b>36(30): 5323-5326</b> , 1995	
	CF	VILLA et al., <i>Circulation Research</i> , <b>76(4): 505-513</b> , 1995	
	CG	FARRELL et al., <i>Antisense Research and Development</i> , <b>5(3): 175-183</b> , 1995	
	CH	DATABASE WPI, Section Ch, Week 9310, Derwent Publications Ltd., London, 1993	
	CI	AZRIN et al., <i>Catheterization and Cardiovascular Diagnosis</i> , <b>41(3): 232-240</b> , 1997	
	CJ	ROBINSON et al., <i>Catheterization and Cardiovascular Diagnosis</i> , <b>41(3): 354-359</b> , 1997	

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Sheet 3 70 3

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CK	CHEMLA et al., <i>Arch. Mal. Cœur</i> , <b>88</b> (3): 381-389, 1995	
CL	CHANG et al., <i>Mol. Med.</i> , <b>1</b> (2): 172-181, 1995	
CM	TJUVAJEV J.G. et al., <i>Cancer Research</i> , <b>55</b> (24): 6126-6132, 1995.	

Examiner Signature		Date Considered	
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